

REMARKS

Claims 4-12, 14 and 16 are pending in this application. By this Preliminary Amendment, the specification is amended to include the priority data, claims 1-3, 13 and 15 are canceled without prejudice to or disclaimer of the subject matter contained therein, and claims 4, 10-12 and 14 are amended. Claim 16 is added. No new matter has been added.

Claim 10 is amended to depend from claim 4. Claims 11, 12 and 14 are amended to change their dependency.

I. Remarks Regarding U.S. Patent No. 5,896,833 to Aoki et al.

In the prior U.S. Patent Application 10/109,717, claims 4-6 and 10 were rejected over U.S. Patent No. 5,896,833 to Aoki et al. (hereinafter "Aoki").

Applicants respectfully submit that Aoki fails to disclose an internal combustion engine comprising a connecting restraint device that restrains circulation of the heat medium into the heat exchanger one of when the heat is supplied by the heat supply device while the internal combustion engine is stopped and when the internal combustion engine is under cold conditions, as recited in claim 4.

Further, Aoki fails to disclose an internal combustion engine comprising a connecting restraint device that restrains circulation of the heat medium into the bypass channel when heat is supplied from the regenerator while the internal combustion engine is stopped.

Aoki discloses that when the engine 1 is stopped, the inflow cooling water passage 106 extending from the engine 1 to the heat accumulating tank 4, and the outflow cooling water passage 107 extending from the heat accumulation tank 4 to the engine 1 are closed and thereby, the cooling water accumulated in the heat accumulating tank 4 is reserved (Fig. 1; col. 8, lines 36-41). In other words, when the engine is stopped in Aoki, there is no

circulation of the cooling water, but only accumulation of the cooling water in the heat-accumulating tank 4.

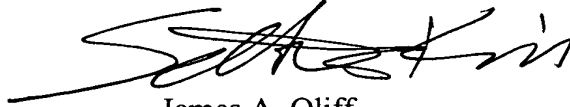
In Aoki, only when the engine 1 starts, the inflow cooling water passage 106 and the outflow cooling water passage 107 are opened and the heater water passage 104 is closed. In this way, all of the high-temperature cooling water accumulated in the heat accumulating tank 4 begins circulating into the engine 1 through a warm-up accelerating water passage 108 to accelerate the warm-up operation of the engine 1 (Fig. 5; col. 8, lines 47-54).

Claims 4 and 16 are patentable over Aoki because claims 4 and 16 recites circulation even while the internal combustion engine is stopped. In claim 4, only the circulation of the heat medium into the heat exchanger is restrained, and in claim 16, only the circulation of the heat medium into bypass channel is restrained. This is patentably distinguishable from Aoki which discloses no circulation when the engine is stopped.

Therefore, claims 4 and 16 are patentable over Aoki. Claims 5-10, which depend from claim 4, and claims 11, 12 and 14, which depend from claim 16, are also patentable over Aoki for at least the reasons discussed above and for the additional features they recite.

Due consideration of claims 4-12, 14 and 16 in view of the above remarks is
respectfully requested.

Respectfully submitted,



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